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| UNITED STATES BANKRUPTCY COURT DISTRICT OF NEW JERSEY | |
| Robertson, Anschutz, Schneid, Crane & Partners, PLLC 130 Clinton Road, Suite 202 Fairfield, NJ 07004 Telephone Number 973-575-0707 Attorneys For Secured Creditor Sindi Mncina, Esq. (237862017) | CASE NO.: 22-19197-JKS CHAPTER 13 Objection to Confirmation of Debtor's Modified Chapter 13 Plan |
| In Re: Warren P. Green, Debtor. | |

OBJECTION TO CONFIRMATION OF DEBTOR'S MODIFIED CHAPTER 13 PLAN

U.S. BANK TRUST NATIONAL ASSOCIATION, NOT IN ITS INDIVIDUAL CAPACITY BUT SOLELY AS OWNER TRUSTEE FOR RCF 2 ACQUISITION TRUST C/O U.S. BANK TRUST NATIONAL ASSOCIATION ("Secured Creditor"), by and through its undersigned counsel, objects to confirmation of Debtor's Modified Chapter 13 Plan (DE # 31), and states as follows:

1. Debtor, Warren P. Green, ("Debtor"), filed a voluntary petition pursuant to Chapter 13 of the Bankruptcy Code on November 18, 2022.
2. Secured Creditor holds a security interest in the Debtor's real property located at 501 Martense Ave, Teaneck, NJ 07666, by virtue of a Mortgage recorded on March 1, 2004 in Book 13337, at Page 520 of the Public Records of Bergen County, NJ. Said Mortgage secures a Note in the amount of \$237,000.00.
3. The Debtor filed a Modified Chapter 13 Plan on April 21, 2023.
4. The Plan proposes to cure the pre-petition arrears via a loan modification. Thus far, a loan modification has not been offered or approved by Secured Creditor. The Debtor has failed to provide alternative treatment of Secured Creditor's Claim in the event loss mitigation is unsuccessful. Debtor is obligated to fund a Plan which is feasible to cure the arrears due to the objecting creditor within a reasonable time pursuant to 11 U.S.C §

1322(b)(5). Therefore, in the event that any loss mitigation efforts are not successful, the plan fails to satisfy the confirmation requirements of 11 U.S.C § 1325(a)(1).

1. Furthermore, the Plan provides for payments to the trustee over 60 month plan term totaling \$95,940.00. This amount is not sufficient to satisfy the actual mortgage arrears, and other secured, administrative and priority claims covered by the Plan, and payment of the required commissions to the Trustee. The Plan does not adequately provide for treatment of the mortgage and the required arrears curing and is not feasible due to the Plan not being adequately funded. Therefore, the Plan is not in compliance with the requirements of 11 U.S.C. §§ 1322(b)(3) and cannot be confirmed.

WHEREFORE, Secured Creditor respectfully requests this Court sustain the objections stated herein and deny confirmation of Debtor's Plan, and for such other and further relief as the Court may deem just and proper.

Robertson, Anschutz, Schneid, Crane & Partners,
PLLC
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By: /s/Sindi Mncina
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NJ Bar Number 237862017
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CERTIFICATION OF SERVICE

1. I, Sindi Mncina, represent U.S. BANK TRUST NATIONAL ASSOCIATION, NOT IN ITS INDIVIDUAL CAPACITY BUT SOLELY AS OWNER TRUSTEE FOR RCF 2 ACQUISITION TRUST C/O U.S. BANK TRUST NATIONAL ASSOCIATION in this matter.
2. On 5/4/2023, I caused a copy of the following pleadings and/or documents to be sent to the parties listed in the chart below:
OBJECTION TO CONFIRMATION OF DEBTOR'S MODIFIED CHAPTER 13 PLAN
3. I certify under penalty of perjury that the above documents were sent using the mode of service indicated.

5/04/2023

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Attorney for Secured Creditor
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Telephone Number 973-575-0707

By: /s/Sindi Mncina

Sindi Mncina
 NJ Bar Number 237862017
 Email: smncina@raslg.com

| <u>Name and Address of Party Served</u> | <u>Relationship of Party to the Case</u> | <u>Mode of Service</u> |
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| Barry Scott Miller Barry S. Miller, Esq. 1211 Liberty Avenue Hillside, NJ 07205 | Attorney for Debtor | <input type="checkbox"/> Hand-delivered <input checked="" type="checkbox"/> Regular mail <input type="checkbox"/> Certified Mail/RR <input type="checkbox"/> E-mail <input checked="" type="checkbox"/> Notice of Electronic Filing (NEF) <input type="checkbox"/> Other <hr/> (as authorized by the court*) |
| Warren P. Green 501 Martense Ave. Teaneck, NJ 07666 | Debtor | <input type="checkbox"/> Hand-delivered <input checked="" type="checkbox"/> Regular mail <input type="checkbox"/> Certified Mail/RR <input type="checkbox"/> E-mail <input type="checkbox"/> Notice of Electronic Filing (NEF) <input type="checkbox"/> Other <hr/> (as authorized by the court*) |
| Marie-Ann Greenberg Chapter 13 Standing Trustee 30 Two Bridges Rd Suite 330 Fairfield, NJ 07004-1550 | Trustee | <input type="checkbox"/> Hand-delivered <input checked="" type="checkbox"/> Regular mail <input type="checkbox"/> Certified Mail/RR <input type="checkbox"/> E-mail <input checked="" type="checkbox"/> Notice of Electronic Filing (NEF) <input type="checkbox"/> Other <hr/> (as authorized by the court*) |
| U.S. Trustee US Dept of Justice Office of the US Trustee One Newark Center Ste 2100 Newark, NJ 07102 | U.S. Trustee | <input type="checkbox"/> Hand-delivered <input checked="" type="checkbox"/> Regular mail <input type="checkbox"/> Certified Mail/RR <input type="checkbox"/> E-mail <input checked="" type="checkbox"/> Notice of Electronic Filing (NEF) <input type="checkbox"/> Other <hr/> (as authorized by the court*) |